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(Rel.77—1098 Pub.605)

PEJC, FORM 6-3

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| Practitioner's Docket No.   | <u>'-11010</u>  | PATENT  |
| IN THE UNITED STATES  | PATENT AND TRADEMARK  | OFFICE  |
| Patent application  |   | •   |
| of  |   |   |
|   | Inventor(s)   |   |
| for   |   | <b>D</b> -  |
|   | tle of invention  | HECEIVED  |
|   | OR  | JUN 2 8 2002  |
| In re application of: Blankership, et   | -al.  | RECEIVED  JUN 2 8 2002  TC 1700                     |
| Application No.: 10/025, 663 Filed: December 19, 2001                                 | Group Art Unit:<br>Examiner:  |   |
| For: PROCESS FOR PRODUCTION HYDROGENATION CATALYST Assistant Commissioner for Patents | · · · · · · - ·   | A PREREDUCED SELECTIVE                              |
| Washington, D.C. 20231  |   |   |
|   | MATION DISCLOSURE STA   | TEMENT  |
|   | MONTHS OF FILING OR   |   |
| BEFORE MAILING OF FIRST   | OFFICE ACTION (37 C.F.)   | R. § 1.97(b))                                       |
| of the national stage as set forth in § 1.  | nall be considered by the Office if filed by<br>tional application; (2) within three mont<br>491 in an international application; or (3)<br>whichever event occurs last." 37 C.F.R. | ths of the date of entry<br>before the mailing date |
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| mail, in an envelope addressed to the<br>Assistant Commissioner for Patents,          |   |   |
| Washington, Q.C. 20231.   |   |   |
| Date: 10/21/2002  | 78 Bn 1   | )   |
| vais. was   | Signature   | 9   |
| <b>;</b>  | SHERRY A. BARNFIELD   |   |
| $\prec$   | (type or print name of person certify   | ina)  |

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 2)

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires th filing of the following: (1) the basic national fee; (2) a copy of th international application, unless already sent by th International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

# identification of time of filing the accompanying information disclosure statement

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

- NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."
- NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuationsin-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner."

Notice of July 6, 1992 (1141 O.G. 63).

SIGNATURE OF PRACTITIONER

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SCOTT R. COX

Tel. No.: (502 589-4215

(type or print name of practitioner)

Customer No.:

400 WEST MARKET, SUITE 2200 P.O. Address

LOUISVILE, KENTUCKY 40202

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 2 of 2)

(Rel.77-1098 Pub.603) FORM 6-3

| (Rel 73-1097 No.605) | FORM 6-1 | -CENTER!     |
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| for  |   | JON 2, 0 2002   |
|  | itle of invention   | TC 1700   |
| the specification of which is being tran   | nsmitted herewith   |   |
|  | OR  |   |
| In re application of: Blankenship,   | etal.   |   |
| Serial No.: : 10/035, 663 / (  |   |   |
| Filed: December 19,2001 E  | Examiner:   |   |
| FOR PROCESS FOR PRODUCTION A   |   | F A PREPEDUCEN SELECTIVE  |
| HYDROGENATION CATALYS  |   |   |
| Assistant Commissioner for Patents   | > (   |   |
| Washington, D.C. 20231   |   |   |
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|  | SHERRY A BARNE (type or print name of per   | ·   |
| WARNING: Each paper or fee filed by Express of placed thereon prior to mailing, 37 "Since the filing of correspondence is an oversight that can be avoided." | Mail must have the number of<br>C.F.R. 1.10(b).<br>e under § 1.10 without the Ex<br>I by the exercise of reasonable | f the "Express Mail" mailing label press Mail mailing label thereon |
| requirement will not be granted on p   |   | 6, 60 Fed. Reg. 56,439, at 56,442.<br>tement [6-1]—page 1 of 5)     |

- NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:
  - (1) Within three months of the filing date of a national application;
  - (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
  - (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. 1.97(b).
- NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. 1.56(c).
- NOTE: The "duty as described in § 1.56 will be met so long as the Information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

# List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

| 1. |   | Preliminary Statements   |
|----|---|--|
| 2. | Ø | FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)  |
| 3. |   | Statement as to Information Not Found in Patents or Publications   |
| 4. | O | Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted |
| 5. |   | Cumulative Patents or Publications   |
| 6. | Ø | Copies of Listed Information Items Accompanying This Statement   |
| 7. |   | Concise Explanation of Non-English Language Listed Information Items   |
|    |   | 7A.   EPO Search Report  |
|    |   | 7B.  |
| 8. |   | Translation(s) of Non-English Language Documents   |
| 9. | 0 | Concise Explanation of English Language Listed Information Items (Optional)  |

(complete the following, if appropriate)

Identification of Person(s) Making This Information Disclosure Statement

Sections , respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information."

Notice of April 20, 1992 (1138 O.G. 37-41, 37).

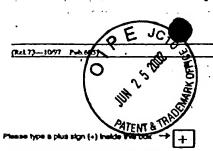
#### Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

SEE INFORMATION DISCLOSURE STATEMENT





JUN 2 8 2002

TC 1700

PTO/SB/08A (10-06)
Approved for use through 10/31/99, OMB 06S1-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| Substitute for form 1449APTO                  |             |                     | Complete II Known       |                    |  |
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| 111505  |             | N DIGG! GG!!!       | Application Number      | 101035.663         |  |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT |             |                     | I timed name            | December 19, 2001  |  |
|   |             |                     | NT First Named Inventor | Blankenship, etal. |  |
|   |             |                     | Group Art Unit          |                    |  |
| (13   | e as many s | heets as necessary) | Examiner Name           |                    |  |
| Sheet   | (           | of                  | Attorney Docket Number  | 7-1104             |  |

|                      | U.S. PATENT DOCUMENTS |                                       |        |   |  |   |  |
|----------------------|-----------------------|---------------------------------------|--------|---|--|---|--|
| Examiner<br>Initials | Che<br>No.1           | U.S. Patert Document Humber (Fargure) |        | Name of Patentee or Applicant of Cited Document | Oste of Publication of<br>Cited Document<br>1881-DD-YYYY | Pages, Coheres, Lines,<br>Where Relevant<br>Personal or Relevant<br>Pourse Appear |  |
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|  | C                        | Foreign Patent Documen |                     | oument .  | Name of Patentee or        | Date of Publication of   | Pages, Columns, Lines,<br>Where Relevant | $\top$ |  |
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<sup>&</sup>quot;EXAMPLER: Initial 8 reference considered, whether or not climaton is in conformence with MPEP 609. Draw line through climation 8 not in conformence and not considered. Include copy of this form with next consumitation to applicant.

<sup>1</sup> Unique clasion designation number. § See stached Kinds of U.S. Patent Documents. § Enter Office that issued the document, by the two-letter code (WPO Standard ST.3). § For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. § Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST, 16 if possible. § Applicant is to place a check mark here if English language Translation is ettached.

# Section 10. Identification of Person(s) Making This Information Disclosure Statement

| The person making the   | is statement is                             |  |
|-------------------------|---|--|
|                         | (check eac                                  | ch applicable item)  |
| (a) 🗌 the inv           | ventor(s) who signs                         | below  |
|                         |   | SIGNATURE OF INVENTOR  |
|                         |   | (type name of inventor who is signing)                                       |
| (b) 🗌 an indi<br>cution | ividual associated w<br>of this application | rith the filing and prose-<br>(37 C.F.R. 1.56(c))                            |
|                         |   | SIGNATURE OF INVENTOR  |
|                         |   | (type name of inventor who is signing)                                       |
|                         | actitioner who signs<br>formation:          | s below on the basis of  |
|                         | (check ead                                  | ch applicable item)  |
| C                       | supplied by the                             | inventor(s).   |
| C                       |   | ndividual associated with the filing and prosecution on. (37 C.F.R. 1.56(c)) |
| D.                      |   |  |
|                         |   | SIGNATURE OF PRACTITIONER  |
| <b>Reg. No.:</b> 31,945 |   | Scott R. Cox   |
| Tel. No.: (502) 589     | -4215                                       | (type or print name of practitioner)   |
| Customer No.:           |   | 400 West Market, Suite 2200<br>P.O. Address                                  |
|                         |   | Louisvillo Kentucky 40202  |

In re application of:

Blankenship, et al.

Serial No.: 10/025,663

Filing Date: 19 December 2001

Attorney Docket No. P-1106

For: PROCESS FOR PRODUCTION AND DISTRIBUTION OF A PREREDUCED

SELECTIVE HYDROGENATION CATALYST

Examiner:

Hon. Commissioner of Patents and Trademarks Washington, D.C. 20231

# INFORMATION DISCLOSURE STATEMENT

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as In accordance with 37 CFR §1.97(b), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. This information is submitted in compliance with 37 CFR §1.98.

# References

US 3,113,980

US 4,126,645

US 4,329,530

US 4,347,392

US 4,367,167

US 4,367,353 US 4,404,124 US 4,410,455 US 4,484,015 US 4,490,481 US 4,533,779 US 4,551,443 US 4,577,047 US 5,414,170 US 5,488,024 US 5,489,565 US 5,648,576 US 5,889,138 US 5,925,799 US 5,955,397

### Foreign

UK 916056

Respectfully submitted,

Scott R. Cox Reg. No. 31,945

LYNCH, COX, GILMAN & MAHAN, P.S.C. 400 West Market St, Suite 2200 Louisville, Kentucky 40202

# CERTIFICATE OF SERVICE

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service in an envelope addressed to the Hon. Commissioner for Patents, Washington, D.C. 20231.

Date: 6/21/2002

:SB
Attachments
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